

Town of Lovettsville

Town Council Minutes of the April 20, 2017 Regular Meeting and Public Hearing

Call to Order/Pledge of Allegiance

Mayor Zoldos called the meeting to order at 7:30 p.m. The meeting was held at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Council Member Jim McIntyre
- Council Member Rob Gentile
- Council Member Mike Senate (arrived at 7:32 p.m.)
- Vice Mayor Tiffany Carder
- Council Member Kim Allar
- Council Member Jennifer Jones

Staff Present

- Town Clerk Harriet West
- Town Manager Laszlo Palko
- Project Manager Karin Fellers
- Zoning Administrator Joshua Bateman
- Town Attorney Elizabeth Whiting
- Town Consultant Sam Finz
- Utility Director Stephen Gates

Planning Commission Chairman Frank McDonough and Deputy Moats were in the audience.

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

A. Captain Greg Ahlemann, Loudoun County Sheriff's Office

Mayor Zoldos introduced Captain Ahlemann, who gave a presentation on coverage in the County and Western Loudoun in particular; online reporting tools, aps, and emergency notifications; crisis intervention; and the upcoming prescription drug takeback day. Sergeant DeLitta spoke about the heroin epidemic. Captain Ahlemann gave examples of several incidents in Western Loudoun, most of which are the result of unlocked vehicles. Sergeant DeLitta said the biggest rash of recent crimes have been firearms stolen from unlocked vehicles. He also discussed the recent destruction of property incidents in Lovettsville, Project Child Safe (safety locks for guns), the "move over, slow down" law, and scams. He reminded everyone to lock their vehicles and garage doors, and to secure their firearms. Captain Ahlemann and Sergeant DeLitta responded to questions from the public.

Comments from the Public

Mayor Zoldos called for comments from the public. Vice Mayor Carder read the rules for public comment.

Chris Hornbaker, 15 Black Forest Lane, spoke on behalf of the Lovettsville Town Center HOA as the President. He said that some of the streets in the community have been turned over to VDOT and some have not. He said they have been working with the Town and the Community Policing Officer on some of the issues they have been having with parking and trash. He is requesting that the Town move forward with adopting the additional County ordinances to give the HOAs an avenue by which they can work with the County to resolve some of these issues. In response to questions from the Mayor and Council Members, Mr. Hornbaker explained the parking and trash issues. A discussion ensued about recycling

and parking enforcement. Attorney Whiting said the Town's inoperable vehicle ordinance does not contain the correct reference to the state code and that she will be bringing a resolution forward to the Council to correct this. Mr. Hornbaker said he would provide a list of other ordinances the HOA would like the Town to adopt. Mr. Hornbaker said the HOA would be working with the Town on the street renaming.

Marcia Fuqua, 10 S. South Loudon Street, asked about the ordinance for junk cars that can be seen from the street. Deputy Moats explained the County's requirement is that it must be shielded from view.

Additions/Deletions/Modifications to the Agenda

There were none.

Report from the Town Engineer

Town Engineer Fellers submitted a written report.

Report from the Utility Director

Utility Director Gates presented his report and responded to a question from the Mayor regarding high water bills. He explained that it is due to the previously estimated bill.

Report from the Town Treasurer

Treasurer Gladstone submitted a written report.

Report from the Zoning Administrator

Zoning Administrator Bateman submitted a written report and responded to questions from the Council regarding Heather's Kids, Heritage Highlands, dump trucks staging on Rt. 287, and the Community Center. Deputy Moats explained the accident involving the dump truck.

Report from the Town Attorney

Town Attorney Whiting provided an update on the zoning enforcement issue and noted she will be meeting with the County Attorney next week to align the forms so they are consistent with each other.

Report from the Town Manager

Town Manager Palko submitted a written report. He noted he has received the application for annexation of the Lovettsville Volunteer Fire and Rescue property south of Town. As required by the Town's annexation policy, he has notified the Town Council and County Administrator in writing. He reviewed the next steps in the process, which include staff review and a joint public hearing before the Planning Commission and Town Council.

Action/Discussion Items:

A. Revised Street Light Standard

Town Engineer Fellers presented this item. The Council is being asked to approve the updated Town Standard Pendant Light and Post Light Standards. Vice Mayor Carder made the following motion:

Motion: I move that Town Council approve the updated Town Standard Pendant Light drawing No. LP-29398B dated 10-01-2015 latest revision 03-06-2017 and the updated Town Standard Post Light drawing No. LP-29400B dated 10-01-2015 latest revision date 04-11-2016.

Second: McIntyre

Aye: McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nay: None

Abstain: None

Absent: None

B. Arbor Day Proclamation

Zoning Administrator Bateman presented this item and noted that two trees will be planted at the Quarter Branch Park. The Council is being asked to approve the Arbor Day Proclamation. Following discussion, Councilman Senate made the following motion:

Motion: I move to accept the Arbor Day Proclamation as it has been submitted.
Second: Jones
Aye: McIntyre, Gentile, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: None

C. Performance Bond for Heather's Kids Daycare (LVSP 2016-0003)

Zoning Administrator Bateman presented this item. The Council is being asked to consider acceptance of the performance bond for installation of proffered improvements for Heather's Kids Daycare Center located at 5 N. Berlin Pike. Councilman Senate made the following motion:

Motion: I move to approve Resolution 2017-04-0002, as attached (Attachment 1), to accept the performance agreement and cash bond for Heather's Kids Daycare Center in the amount of \$4,251.25.
Second: Carder
Aye: McIntyre, Gentile, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: None

D. JLMA Analysis

Town Manager Palko presented this item. The Council is being asked to provide analysis and recommendations related to a Joint Land Management Agreement (JLMA) with Loudoun County. Consultant Sam Finz presented the results of his research on the concept of a JLMA. He explained the background and noted that the Town decided not to participate in the JLMA process previously because the Town did not have the ability to provide water/sewer services outside of the Town. Based upon his discussion with County staff, there is nothing at this time that would preclude the Town from participating in the JLMA process. He reviewed his analysis of pursuing a JMLA, including the pros and cons. He then presented a decision model which looked at four alternatives (JMLA, Annexation, an Inter-Local Agreement with the County, and Status Quo) and the six criteria he used to evaluate each option:

- 1) Zero increase in the Town's population to stay under the 3,500 threshold.
- 2) Additional rooftops to support commercial development.
- 3) Greater ability to attract commercial development to the Town.
- 4) Water/sewer revenue from availability fees which would be generated at a higher premium.
- 5) Cash proffers, if possible, to pay for future infrastructure improvements in the Town.
- 6) Planning and Zoning control to ensure that any future development is consistent with the Town's plans.

Mr. Finz said the JMLA meets all six of these criteria. He noted that his concern is that annexation may be mandatory in the long run and, if that is the case, then he would not recommend the JMLA. He said that Annexation, on the other hand, would give the Town everything but zero increase in population. He noted that this option is off the table since the Council is not in favor of increasing the Town's population. He said another option may be to approach the County with an Inter-Local Agreement, which he described as a less-formal JMLA done on a parcel-by-parcel basis. Under this concept, the Town would provide water and sewer service and would have a joint role in considering any development that would occur outside of Town as part of the agreement. Lastly, he said the other option is the status quo, which would make it difficult to support the type of commercial, retail development the Town is looking for, and leasing would be very difficult. Mr. Finz said his recommendation is to meet with the County to determine if there is an interest in a JMLA and to determine if the new proffer law allows localities to receive cash proffers. If the County is not interested in establishing a JMLA, then the Town should explore an Inter-Local Agreement, which is common practice in many jurisdictions across the country.

Mr. Palko then discussed his concept for a new economic trade area based on his economic development efforts and projected growth trends in Loudoun County. He discussed the Council's

emphasis on remaining a small town, including keeping the population under 3,500, and how the JMLA meets the Town's needs. He then discussed his recommended five-phase approach, which includes:

1. Resolution on Proffers
2. Engage County to Determine Interest
3. Develop JMLA Agreement with the County in Pilot Area
4. Determine Scale Goal after Pilot
5. Amend JMLA Agreement to Expand JMLA Area to Achieve Adopted Scale

He said there are significant roadblocks with each step but, if successful, the JMLA offsets the need for any new revenues and enables the Council to reduce taxes significantly. Mr. Finz and Mr. Palko responded to questions from the Council about availability fees, density, problems with the Purcellville JMLA, services, and maintaining the Town's small town identity. Following further discussion, Councilwoman Jones made the following motion:

Motion: I authorize the Town Manager to pursue the JMLA strategy outlined in the memo and return to Council to report the findings of each phase of implementation and for final approval of a JMLA agreement with the County if each phase goal is met.

Second: Carder

Aye: McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nay: None

Abstain: None

Absent: None

E. AV Capture

Town Manager Palko presented this item. The Council is being asked to authorize moving to AV Capture starting on May 1, 2017. Following discussion, Council Member Gentile made the following motion:

Motion: I authorize the Town Manager to sign the contract with AV Capture to begin services on May 2017 once the contract is acceptable to the Town Attorney.

Second: McIntyre

Mayor Zoldos requested a friendly amendment to include closing the office on Wednesdays to allow staff to catch up on the minutes and to focus on other priorities. He said this would eliminate the need for an additional person to do minutes and that other staff members would still be available by appointment. Mayor Zoldos further suggested that once the minutes are caught up that the Council should revisit this to see if the schedule should be maintained if it proves to be effective for staff's productivity. Mayor Zoldos said this would also include moving to "action minutes" once the new AV Capture system is in place.

Councilman Gentile revised his motion as follows:

I authorize the Town Manager to sign the contract with AV Capture to begin services on May 2017 once the contract is acceptable to the Town Attorney and to revise the Town Office Wednesday hours from a full-day walk in to appointment only.

Councilman McIntyre accepted the friendly-amendment. Hearing no further discussion, Mayor Zoldos called for the vote.

Aye: McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nay: None

Abstain: None

Absent: None

F. Game Club Carnival Approval

Town Manager Palko presented this item. The Council is being asked to consider a request by the Lovettsville Game Protective Association to allow the group to disassemble and remove their carnival

equipment during the overnight hours following the last day of the carnival and grant authority to the Town Manager to approve this request administratively in the future unless any major changes are made. Councilwoman Carder made the following motion:

Motion: I move to allow the Lovettsville Game Protective Association to host their annual carnival the week of June 20th through June 24th and permit their amusement ride provider to disassemble their equipment during the overnight hours immediately following the last day of the carnival so long as they abide by the conditions as established by the Town of Lovettsville in the attached draft letter. I further move to grant authority to the Town Manager to approve this annual request administratively going forward unless major changes are to the request.

Second: Jones

Aye: McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nay: None

Abstain: None

Absent: None

G. FY 18 Budget Discussion

Town Manager Palko presented information on tax rates and trash service provided by localities. He said there will be three meetings next week, including presentations from VML on credit and financial analysis. Mayor Zoldos asked the Town Manager to evaluate the impact of a \$0.01 decrease in the tax rate and no additional fees. Vice Mayor Carder said she was concerned about the 1% salary increase compared to 3% for the County. Manager Palko said he would be doing a compensation study next year to make sure the Town is staying competitive.

Information Items

There were none.

Comments from the Mayor and Town Council

Councilwoman Jones said her family really enjoyed participating in Keeping Lovettsville Beautiful.

Vice Mayor Carder reported on upcoming events at the Library.

Councilman Gentile asked about the status of the HOAs use of Town Hall. Manager Palko said he would check on this and report back to the Council.

Councilman McIntyre reported on Keep Lovettsville Beautiful Day.

Mayor Zoldos reported on recent and upcoming events and the street renaming meeting for S. Church Street.

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:29 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: November 16, 2017

Attachments:

1. Resolution 2017-04-0002

Town of Lovettsville

Resolution: 2017-04-0002: APPROVING BOND SECURING PROFFERED IMPROVEMENTS FOR HEATHER'S KIDS DAYCARE CENTER

MOTION: Senate
SECOND: Carder

WHEREAS, FHW Properties, LLC (hereinafter "the applicant") has submitted for approval a final site plan for Heather's Kids Home Day Care at 5 North Berlin Pike in the Town of Lovettsville and desires to commence construction of site improvements; and

WHEREAS, the Town has forwarded the project site plan to and received comments from reviewing agencies, and all such comments have been addressed by the applicant through revisions to the site plan; and

WHEREAS, Town staff has reviewed the project site plan and bond estimate furnished by the applicant and agrees that the amount of the bond securing proper installation of the proffered improvements is \$4,251.25 provided that the appropriate performance agreement is entered setting a completion date not later than 12 months from April 20, 2017 and secured by surety acceptable to the Town.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby accepts the performance bond for Heather's Kids Home Day Care (Case Number LVZA 2016-0003) and authorizes the Mayor to sign the performance agreement when tendered in a form acceptable to the Town Attorney.

VOTE:

Ayes: McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nays: None

Abstentions: None


Absent for Vote: None

APPROVED: April 20, 2017



Robert Zoldos H, Mayor

CERTIFIED:



Harriet West, Town Clerk

The German Settlement